## REMARKS/ARGUMENTS

Prior to this amendment, claims 1, 4-12, 15-18 and 20-29 were pending.  In this amendment, claims 1, 11, and 18 are amended.  Claims 30-32 are added, and no claims are canceled.  Thus, after entry of this amendment, claims  1, 4-12, 15-18 and 20-32 will be pending.

**Claim Rejections under 35 USC § 103, Dutta et al. and Sbisa**

Claims 1, 4-6, 11, 15, 18, and 21-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 6,636,854 issued to Rabindranath Dutta et al ("Dutta") and US Patent 6,714,539 issued to Daniel Charles Sbisa ("Sbisa").

Claims 1, 4-10, 28-30

Claim 1 is allowable over the cited references, either alone or in combination, as those references fail to teach or suggest all the elements of claim 1.   For example, claim 1 recites:

> *extracting a plurality of queries from a plurality of query messages received from a plurality of users over the network;*
> *creating a first request message including the plurality of queries, a first sequence number corresponding to one or more of the queries, and state information describing each query;*
> *sending the first request message to a search engine..*

Dutta is directed to augmenting conventional search results with peer-to-peer search results so the user receives search results from more of the Web.  *See Dutta*, abstract and col. 1 line 65 to col. 2 line 9.  Regarding prior art FIG. 3, a client (302, 402) operates a web-application (320,404) to a query to a search engine (324,410).  *Id.*, FIG.4 and col. 7 lines 41-49.  In Dutta's invention, a peer-to-peer search facility 416 in the search engine 410 generates a new query based on the original search query received from the client 402, and sends the new query to peer nodes 425-428.  *Id.*, col. 8 lines 59  to col. 9 line 18.

From the Office Action, it is unclear which elements of Dutta are asserted to correspond with which elements of claim 1.  Thus, two possible interpretations are presented.

### A. The search engine 410 is asserted to correspond to claimed search engine

At page 2, the Office Action asserts that a client 402 sending a query to the search engine 410 teaches "*extracting a plurality of queries from a plurality of query messages received from a plurality of users*." As Dutta only describes one query coming from the one user, it is not clear how this limitation is taught by this section of Dutta.

Even if many clients 402 each sent one query message to the search engine 410, each message would be received separately by the search engine 410 from each client 402. Therefore, Dutta does not teach "*creating a first request message including the plurality of queries*," which are received from a plurality of users.

Also, it is unclear which entity in Dutta is extracting the queries and creating the first request message. If the search engine 410 is performing this extracting and creating, then the search engine 410 cannot send the first request message to itself. Dutta does not mention any other entity between the client 402 and the search engine 410. Accordingly, Dutta does not teach "*sending the first request message to a search engine*," where the first request message includes a plurality of queries extracted from a plurality of query messages received from a plurality of users.

Additionally, when Dutta mentions a message header, the unique code in the header corresponds to the type of message. *Id.*, col. 6 lines 32-34. Thus, the unique code does not correspond to a query in the message header. Accordingly, Dutta does not teach or request "*a first sequence number corresponding to one or more of the queries*," as recited in claim 1.

### B. The peer nodes 4425-428 correspond to the claimed search engine

If the peer nodes 425 are considered the search engine, the search engine 410 still only sends one request from one client to a peer node in a request message. *Id.*, col. 8 lines 59 to col. 9 line 18. Thus, a request message from the search engine 410 to a peer node 415 only includes one query from one client 402. Accordingly, Dutta does not teach or suggest "*creating a first request message including the plurality of queries*," as recited in claim 1.

Note that the cited teachings of Sbisa fail to make up for the deficiencies of Dutta in claim 1.

For at least the reasons stated above, Applicant submits that claim 1 is allowable over the cited references.

## Claim Rejections under USC § 103, Dutta, Sbisa, Meek and Uehara

Claims 7-10, 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dutta and Sbisa in view of US Patent Publication Number 2003/0138091 issued to William Meek et al ("Meek") and further in view of US Patent Application Publication Number 200210040414 issued to Kaitaro Uehara ("Uehara"). These claims are allowable for at least the same rationale as their respective independent claims from which they depend.

Note that the cited teachings of Meek and Uehara fail to make up for the above-mentioned deficiencies in Dutta and Sbisa.

## CONCLUSION

In view of the foregoing, Applicant believes all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 415-576-0200.

Respectfully submitted,

/David B. Raczkowski/

David B. Raczkowski
Reg. No. 52,145

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: 415-576-0200
Fax: 415-576-0300
DBR:scz
61224304 v1